

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 24, 2004**

UNAPPROVED
SEPTEMBER 13, 2004

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Suzanne F. Harsel, Braddock District
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:15 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioners Alcorn and de la Fe announced that the following Committees would meet in the Board Conference Room:

School Facilities - July 14, 2004, at 7:30 p.m.
Policy and Procedures - July 15, 2004, at 7:00 p.m.
Environment - July 21, 2004, at 7:00 p.m.
Transportation - July 22, 2004, at 7:30 p.m.

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Commissioner Byers MOVED THAT THE DECISION ONLY ON RZ 2003-MV-059 AND FDP 2003-MV-059, ANASTASIOS AND ANNA GRYPEOS, BE FURTHER DEFERRED TO A DATE CERTAIN OF JULY 21, 2004.

Commissioners Hall and Koch seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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RZ 2003-DR-063, PCA 95-D-040, AND SE 2003-DR-039 - THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (ST. JOHN CATHOLIC CHURCH) (Decisions Only)
(The public hearing on these applications was held on April 21, 2004. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 94-D-040.

Commissioners Koch and de la Fe seconded the motion which carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2003-DR-063, SUBJECT TO THE EXECUTION OF THE DRAFT PROFFERS DATED JUNE 23, 2004.

Commissioners Wilson and de la Fe seconded the motion which carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2003-DR-039, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JUNE 23, 2004.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE TRANSITIONAL SCREENING YARD REQUIREMENT ALONG ALL BOUNDARIES TO THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION PLAT.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS MODIFY THE BARRIER REQUIREMENT ALONG THE NORTHERN AND EASTERN BOUNDARIES IN FAVOR OF THE EXISTING CHAIN LINK FENCE AND THAT THE BOARD OF SUPERVISORS WAIVE THE BARRIER REQUIREMENTS ALONG THE SOUTHERN AND WESTERN BOUNDARIES.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioners Harsel and Murphy absent from the meeting.

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SE 2004-MA-003 - LOEHMANN'S PLAZA LIMITED PARTNERSHIP (Decision Only)
(The public hearing on this application was held on June 3, 2004. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hall MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2004-MA-003, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED JUNE 24, 2004.

Commissioners Lusk and Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Wilson abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Hall MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE SOUTHERN HALF OF THE EASTERN AND WESTERN TWO-THIRDS OF THE NORTHERN PROPERTY LINES IN FAVOR OF THE EXISTING SCREEN AS SHOWN ON THE SE PLAT WITH SUPPLEMENTAL LANDSCAPING AS OUTLINED IN THE DEVELOPMENT CONDITIONS.

Commissioners Lusk and Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Wilson abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Hall MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE WESTERN TWO-THIRDS OF THE NORTHERN AND THE SOUTHERN HALF OF THE EASTERN PROPERTY LINES.

Commissioners Lusk and Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Wilson abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Hall MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS ALONG THE EASTERN ONE-THIRD OF THE NORTHERN AND THE NORTHERN HALF OF THE EASTERN PROPERTY LINES.

Commissioner Lusk seconded the motion which carried by a vote of 9-0-1 with Commissioner Wilson abstaining; Commissioners Harsel and Murphy absent from the meeting.

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FS-P04-39 - OMNIPOINT (T-MOBILE), 11250 WAPLES MILL ROAD

Commissioner Lawrence MOVED THAT THE PLANNING CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-P04-39.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Chairman Murphy and Secretary Harsel, Vice Chairman Byers set the following order for the agenda items:

1. ZONING ORDINANCE AMENDMENT (SULLY HISTORIC OVERLAY DISTRICT)
2. PCA 87-C-060-11/FDPA 87-C-060-17-2 - BATMAN/MCNAIR ASSOCIATES, LP
3. SE 2004-MV-009 - JOHN F. KELLY & FAIRFAX COUNTY BOARD OF SUPERVISORS
4. SE 01-V-005 - WILLIAM A. KINDER
5. RZ/FDP 2003-MV-034 - NATIONAL CAPITAL LAND & DEVELOPMENT INC.
6. SE 2004-DR-004 - SHOREH H. ARMANI
7. PCA 80-P-039-08- BEAZER HOMES CORPORATION
FDPA 80-P-039-08 - BEAZER HOMES CORPORATION

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (SULLY HISTORIC OVERLAY DISTRICT) - to Chapter 112 as follows: Amend the Sully Historic Overlay District to: (1) permit single family attached and multiple family dwelling units; (2) clarify that in residential developments commercial uses are limited to those uses permitted by right, special permit, special exception or as either an accessory service use or home occupation use; (3) clarify that all uses permitted by right, special permit or special exception in the I-4 District are permitted; and (4) permit an increase in maximum allowable building height, as defined in the Zoning Ordinance, from 35 up to 60 feet and establish a maximum actual building height of up to 65 feet from grade to the highest point on any building with special exception approval by the Board of Supervisors. PUBLIC HEARING.

Donna Pesto, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Pesto responded to questions from Vice Chairman Byers and Commissioner Alcorn regarding the proposed building height measurements.

ZONING ORDINANCE AMENDMENT
(SULLY HISTORIC OVERLAY DISTRICT)

June 24, 2004

Vice Chairman Byers called for speakers from the audience and recited the rules for public testimony.

Frank McDermott, Esquire, with Hunton and Williams, spoke on behalf of Peterson Companies. He explained that Peterson Companies had proposed to develop a senior active adult community in the Sully Historic Overlay District but noted that the current Zoning Ordinance would only permit development of single-family detached residences. He added that this amendment would require that any increase in height over the current 35 feet would be subject to special exception approval. He identified on an aerial photograph the entire property assemblage and the specific property area within the district.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Hart for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED SULLY HISTORIC DISTRICT ZONING ORDINANCE AMENDMENT BE APPROVED AS ADVERTISED AND CONTAINED IN THE STAFF REPORT DATED MAY 24, 2004.

Commissioners Wilson and Lawrence seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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PCA 87-C-060-11/FDPA 87-C-060-17-2 - BATMAN/MCNAIR ASSOCIATES, LP - Appl. to amend the proffers and final development plan for RZ 87-C-060 approved for residential development to permit modifications to the storm water management ponds. Located on the N. and S. sides of Coppermine Rd. approximately 600 ft. E. of McNair Farms Dr. on approx. 10.13 ac. of land zoned PDH-16. Comp. Plan Rec: Mixed Use. Tax Map 16-3 ((1)) 35H pt., 35J pt. and 37A pt. 16-3 ((9)) (6) B1 pt. 25-1 ((1)) 3J pt., 25-1 ((20)) (2) C pt. and 25-1 ((20)) (6) A pt. HUNTER MILL DISTRICT. PUBLIC HEARING.

Inda Stagg, a planner with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated June 9, 2004. Commissioner Hart disclosed that he would recuse himself from this case.

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

Ms. Stagg explained that this proposal would amend a proffer that had been approved with the original McNair Farms application. She described how the proposed four dry ponds would preserve vegetation and permit the stormwater management system to meet current standards. She pointed out that approximately one acre of trees and a majority of the existing vegetation would be saved. She noted that the projected completion date would be November 1, 2005. She disclosed that the proposal had the support of the Hunter Mill Land Use Advisory Committee and staff.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that a rebuttal statement was not necessary. There were no comments or questions from the Commission and staff had no closing remarks; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner de la Fe for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 87-C-060-11, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 AND DATED JUNE 8, 2004.

Commissioner Hopkins seconded the motion which carried unanimously with Commissioner Hart not present for the vote; Commissioners Harsel and Murphy absent from the meeting.

Commissioner de la Fe MOVED TO APPROVE FDPA 87-C-060-17-2, SUBJECT TO THE FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS DATED JUNE 9, 2004 AND TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA 87-C-060-11.

Commissioner Hopkins seconded the motion which carried unanimously with Commissioner Hart not present for the vote; Commissioners Harsel and Murphy absent from the meeting.

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The next three cases were in the Mount Vernon District; therefore Vice Chairman Byers relinquished the Chair to Parliamentarian Alcorn.

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SE 2004-MV-009 - JOHN F. KELLY & FAIRFAX COUNTY
BOARD OF SUPERVISORS - Appls. under Sect. 2-904 of the Zoning Ordinance for uses in a floodplain to permit replacement of an existing dwelling. Located at 6423 Thirteenth St. on approx 14,000 sq. ft. of land zoned R-3. Tax Map 93-2 ((8)) (27) 1. MOUNT VERNON DISTRICT. PUBLIC HEARING.

John F. Kelly, applicant, reaffirmed the affidavit dated June 9, 2004. There were no disclosures by Commission members.

Commissioner Byers asked that Parliamentarian Alcorn ascertain whether there were any speakers in opposition to this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore Parliamentarian Alcorn closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE SE 2004-MV-009, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 23, 2004.

Commissioners Hall and Wilson seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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SE 01-V-005 - WILLIAM A. KINDER - Appl. under Sect. 2-904 of the Zoning Ordinance for uses in the floodplain to permit existing fill, retaining walls and other structures to remain in the floodplain and to permit additional land disturbing activity. Located at 7905, 7907 and 7909 Candlewood Dr. on approx. 37,500 sq. ft. of land zoned R-3. Tax Map 102-1 ((21)) 1 – 3. Also, under the Board's consideration will be the applicant's request for an exception under Section 118-6-9 of Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code of the County of Fairfax to permit encroachments within the Resource Protection Area. MOUNT VERNON DISTRICT. PUBLIC HEARING.

James Downey, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated February 2, 2004. Commissioner Hart disclosed that his law firm, Hart and Horan, PC, had one pending case with Mr. Downey's law firm, but it would not affect his ability to participate in this case.

Leslie Johnson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the application due to the applicant's failure to remove the existing retaining walls and other structures that had been placed in the floodplain and Resource Protection Area (RPA), to remove the existing fill, and restore the stream bank to a stable condition.

In response to a question from Commissioner Wilson, Ms. Johnson said the development plan could be revised or a development condition added to indicate that the two bridges on the applicant's property would have to be demolished.

Ms. Johnson responded to questions from Commissioner Hart regarding the encroachment by the applicant on adjacent property owned by the Board of Supervisors (BOS) and explained that if the Board approved the application, they could move to grant an easement at that time.

Commissioner Hart expressed concern that the details of the easement had not been worked out prior to the Planning Commission's public hearing.

Ms. Johnson responded to a question from Commissioner de la Fe regarding the ownership of the stream behind the applicant's property.

Following up on Commissioner Hart's comment on the property owned by the BOS, Commissioner Wilson explained that a separate public hearing and notice were needed before the Board could grant an easement for acquisition and/or use of its property.

Ms. Johnson noted that she had been working with the County Attorney's office on this application and the easement had not come up, but she would follow-up on this issue.

Mr. Downey acknowledged that this matter was an unfortunate situation that was being corrected retroactively and diligently by the applicant. He explained that the development conditions would address the unresolved issues and pointed out that approvals by the Army Corps of Engineers and the Federal Emergency Management Agency should be sufficient guarantees that remedial measures would be in compliance with applicable laws.

Parliamentarian Alcorn noted that the only listed speaker, Ed Takken, 7905 Bayberry Drive, Alexandria, was not present but had submitted a written statement for the record, a copy of which is in the date file. Mr. Takken's statement indicated that he was supportive of the application due to the ongoing erosion problems along Paul Spring Branch.

Parliamentarian Alcorn called for speakers from the audience and recited the rules for public testimony.

Robert Wheeler, 7917 Candlewood Drive, Alexandria, spoke in favor of this application. He explained that he had also experienced erosion problems on his property, located four doors south from the applicant. He claimed that the applicant was attempting to save his land and clear the area of dead trees even though his actions had encroached on land owned by the BOS.

There being no further speakers for this application, Parliamentarian Alcorn noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore Parliamentarian Alcorn closed the public hearing and recognized Commissioner Byers for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON SE-01-V-005 TO A DATE CERTAIN OF JULY 15, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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RZ 2003-MV-034/ FDP 2003-MV-034 - NATIONAL CAPITAL LAND & DEVELOPMENT, INC. - Appl from R-1 to PDH-8 to permit residential development at a density of 5.44 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located N. of Gunston Cove Rd., approx. 600 ft. W. of its intersection with Richmond Hwy. on approx. 8.70 ac. of land. Comp. Plan Rec: 8-12 du/ac. Tax Map 107-4 ((1)) 59, 113-2 ((1)) 3A and 3B. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Frank Stearns, Esquire, with Venable, Baetjer & Howard, LLP, reaffirmed the affidavit dated June 15, 2004. Commissioner Hart disclosed that Mr. Stearns' law firm had previously represented the Board of Zoning Appeals, of which he was a member, but it would not affect his ability to participate in this case.

Peter Braham, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended denial of the applications due to a number of issues listed in the staff report regarding site distance, open space, lot size, and layout. He added that the applicant would need to edit the proffers and provide additional details on the plan to receive a recommendation of approval from staff.

In response to a question from Commissioner Wilson, Mr. Braham explained that staff had coordinated their review of these applications in conjunction with other development in the vicinity by the same applicant.

Mr. Braham responded to questions from Commissioner Hart regarding optional decks as shown on the development plan; from Commissioner Lusk regarding the proffer requiring a commitment of \$10,000 to the homeowners association for the future maintenance of private streets; and from Parliamentarian Alcorn regarding the proffer requiring a contribution to the Lorton Area Road Fund.

Mr. Braham responded to a question from Commissioner Byers regarding the line of sight distance on Gunston Cove Road.

Mr. Stearns reviewed the history of the application property, noting that the original proposal for the development of townhouses had been revised to construct 45 single family detached homes in order to obtain the approval of the South County Federation. He explained that the applicant had accommodated requests of Commissioner Byers that the size of the yards be a minimum of 20 yards in the rear, 18 yards in the front, a minimum of 12 feet between the homes, and that no windows be located opposite each other on the side yards. Mr. Stearns said at the request of Commissioner Wilson, sidewalks would be connected and a contribution of \$10,000 would be made for the maintenance of private roads. Mr. Stearns disclosed that the applicant was not in agreement with staff's recommendation to construct townhomes instead of single family detached homes because of the commitment that had been made to the South County Federation. Mr. Stearns added that the applicant had met with the Mount Vernon Planning and Zoning Committee which had voted not to oppose the applications; however, he noted that the Mount Vernon Council had decided not to support the proposal.

In response to a question from Commissioner Wilson, Mr. Stearns explained that only a small portion of an internal trail, located behind units 34 and 35 and next to unit 36, would be removed and that the eight-foot trail along Gunston Cove Road would not be removed.

Responding to a question from Commissioner Wilson, Mr. Braham agreed that the minimum side yard requirement between each unit should be six feet, not five feet as specified on Page 18 of the staff report, and said this correction would be made.

Mr. Stearns and Kevin Washington, a civil engineer with Christopher Consultants Ltd., responded to questions from Commissioners Wilson and Byers regarding size of the rear yards and of the decks.

Leslie Johnson, ZED, DPZ, suggested that the development plan be revised to show minimum dimensions of the yards and decks. Commissioner Byers agreed.

Gary Garczynski, President of National Capital Land and Development, Inc., elaborated on the lot and deck dimensions.

Commissioner Hart commented that it was important to make sure that decks could be built by-right and would meet Ordinance requirements, because variances would not be approved.

Responding to a question from Commissioner Lusk, Mr. Stearns said that if an addition such as a morning room or sitting room were added, the rear yard could still be 20 feet.

Mr. Garczynski added that the applicant could provide the Commission with a matrix of the sizes of the decks and the dimensions of the individual yards, if desired.

Parliamentarian Alcorn called the first listed speaker and recited the rules for public testimony.

Michelle Orosz, 9662 Potters Hill Circle, Lorton, submitted a petition signed by 33 residents of the Lorton Station South and Gunston Hill communities, who requested that the proposed development be denied unless 200 feet of existing tree save area was maintained and left undisturbed. In addition to the tree save area, Ms. Orosz requested that the applicant proffer that construction would occur between 7 a.m. to 5 p.m. Monday through Friday and that Lorton Market Road and Grooms Cottage Drive would be open to traffic. (The original petition and a copy of her remarks are in the date file.)

Ms. Orosz responded to questions from Commissioner Byers regarding the \$20,000 premium she had paid for a wooded view when she purchased her home.

Mr. Braham responded to a question from Commissioner Hart regarding the transitional screening required between single family homes and townhomes.

William Jackson, 9676 Potters Hill Circle, Lorton, expressed concern regarding the lack of information provided by U.S. Homes about future development in the area.

Commissioner Wilson commented on the inadequate buffer and interparcel access of the Lorton Station South townhome development. She suggested that the Planning Commission look into what could be done about developers' misrepresentations to buyers about open space and trees.

Parliamentarian Alcorn agreed that this issue should be reviewed because it arose frequently in public hearings.

Richard Cooper, 9723 Gunston Cove Road, Lorton, representing the homeowners of Lorton Valley, expressed support for these applications.

Martin Schirmacher, 9534 Third Place, Lorton, representing the South County Federation, spoke in favor of these applications. He pointed out that the Comprehensive Plan described the proposed property as a transitional parcel that would preserve and protect the existing R-1 neighborhood across the street. He added that the Federation would not support the construction of townhomes.

Gloria Bannister, 9660 Eaton Woods Place, Lorton, Vice President of the Gunston Square Homeowners Association, expressed support for these applications. She mentioned that the applicant had agreed to create a buffer between the Gunston community and the proposed development.

Diane Neely, 9634 Potters Hills Circle, Lorton, disclosed that she had been sold a lot with a \$20,000 premium because of the view, but that she had not been informed where her property line was located. She noted that if the applicant were allowed to build right up to the property line and clear trees, substantial buffers would need to be provided.

Commissioner de la Fe commented to Ms. Neely that perhaps her realtor should have informed her that the builder had no control over the vista.

Stephen Stallings, 9721 Marion Place, Lorton, spoke in favor of these applications. He pointed out that the applicant should not be held liable for the misrepresentation made by U. S. Homes.

There were no further speakers; therefore, Parliamentarian Alcorn closed the public hearing and called for rebuttal remarks.

Mr. Garzynski emphatically said that he would not go back on his commitment to the South County Federation to construct single family homes. He explained that the applicant had complied with all of the suggestions made by staff and Commissioner Byers during eight months of deliberation.

In response to a question from Commissioner Koch, Mr. Garzynski explained that when a home was sold, it was customary to stake out the property lines or show a site plan and to make disclosures about adjoining property. He added that buyers in Lorton Station South should have been told that the Comprehensive Plan recommended that the application property be developed at 8-12 units per acre.

In response to questions from Commissioner Byers and Parliamentarian Alcorn, Mr. Stearns discussed the ownership of the conservation easement between the Lorton Station South community and the application property.

Continuing rebuttal, Mr. Stearns noted that the proffered construction hours had been requested by Gunston Square Homeowners Association, and since there would be no construction traffic through Lorton Station South, the applicant would prefer not to change the hours, as requested by Ms. Orosz.

Commissioner Koch suggested that staff review the status of the conservation easement to determine if it could be landscaped.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore Parliamentarian Alcorn closed the public hearing and recognized Commissioner Byers for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ AND FDP-2003-MV-034, NATIONAL CAPITAL LAND AND DEVELOPMENT INC., TO A DATE CERTAIN OF JULY 14, 2004 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Hall and Wilson seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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The Commission went into recess at 10:43 p.m. and reconvened in the Board Auditorium at 10:58 p.m.

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Vice Chairman Byers resumed the Chair.

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SE 2004-DR-004 - SHOREH H. ARMANI - Appl. under Sect. 3-304 of the Zoning Ordinance to permit office use in a residential district. Located at 1580 Chain Bridge Rd. on approx. 19,500 sq. ft. of land zoned R-3, CRD and SC. Tax Map 30-4 ((2)) (6) 46. DRANESVILLE DISTRICT. PUBLIC HEARING.

Jane Kelsey, with Jane Kelsey & Associates, Inc., reaffirmed the affidavit dated January 12, 2004. There were no disclosures by Commission members.

Peter Braham, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Braham responded to a question from Commissioner Hart regarding vegetation in the 11-foot right-of-way.

Ms. Kelsey noted that the applicant had met with the McLean Citizens Association and their recommendations had been incorporated into the development conditions. She pointed out that the application met all the requirements of the Zoning Ordinance, the recommendations of the Comprehensive Plan and the guidelines of the McLean Central Business Center (CBC). She noted that the proposed development would fit well into the surrounding residential community.

Mr. Braham responded to a question from Commissioner Hopkins about Development Condition Number 9 concerning the 11 feet along Pathfinder Lane reserved for the future dedication as right-of-way.

In response to questions from Commissioner Wilson, Mr. Braham and Leslie Johnson, ZED, DPZ, discussed side and rear yard setback requirements in a community business center and the possibility that front yard setbacks could not be met if the 11 feet were used for right-of-way.

Commissioner Lawrence commented on Development Condition Number 13 regarding the use of a dustless surface in lieu of asphalt paving to provide for stormwater infiltration and asked if dustless surfaces would be appropriate for handicapped parking spaces. Mr. Braham responded by saying that there were several options for handicapped parking surfaces and pointed out that those details could be worked out at the time of site plan review.

Responding to a question from Commissioner Wilson, Mr. Braham said that Development Condition Number 5 reflected the hours the applicant had requested in their statement of justification.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that rebuttal was not necessary. He then called upon staff for closing remarks.

Mr. Braham explained that Provision 9-622 allowed modifications of the minimum yard requirements in accordance with the Comprehensive Plan and that the McLean CBC text addressed setbacks and landscaping treatments but did not address this particular situation. He stated that in order for this application to be approved, the Board of Supervisors would need to modify or waive the minimum yard requirement.

There were no further comments or questions from the Commission and staff had no further closing remarks; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Hopkins for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2004-DR-004, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JUNE 23, 2004.

Commissioners Hall and Lawrence seconded the motion.

Commissioner Wilson MOVED TO AMEND THE MOTION STRIKING OUT DEVELOPMENT CONDITION NUMBER 9 AND RENUMBERING THE REMAINING CONDITIONS ACCORDINGLY.

Commissioner Hopkins accepted the amendment and the motion carried by a vote of 7-0-3 with Commissioners Byers, Hall, and Koch abstaining; Commissioners Harsel and Murphy absent from the meeting. *(Note: the amendment was not seconded.)*

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE TRANSITIONAL SCREENING YARD REQUIREMENTS AND THE BARRIER REQUIREMENTS BE MODIFIED AS SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioners Hall and Lawrence seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, DPWES, TO WAIVE THE REQUIREMENT FOR THE LOADING SPACE PURSUANT TO THE PROVISIONS OF SECTION 11-202.

Commissioners Hall and Lawrence seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO MODIFY THE TRAVEL LANE REQUIREMENT TO ALLOW A 15-FOOT WIDE TRAVEL LANE AS SHOWN ON THE SE PLAT.

Commissioners Hall and Wilson seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO WAIVE THE FRONTAGE IMPROVEMENTS, INCLUDING CURB AND GUTTER AND RIGHT-OF-WAY DEDICATION ALONG PATHFINDER LANE.

Commissioner Hart seconded the motion which carried by a vote of 7-0-3 with Commissioners Alcorn, Hall, and Koch abstaining; Commissioners Harsel and Murphy absent from the meeting.

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PCA 80-P-039-08/FDPA 80-P-039-08 - BEAZER HOMES CORPORATION - Appl. to amend the proffers and final development plan for RZ 80-P-039 previously approved for 305,500 sq. ft. of office development at an FAR of 0.70 to permit conversion to residential development at an FAR of 0.70. Located on the W. side of Nutley St. approximately 400 ft. N. of Lee Hwy. on approx. 10.00 ac. of land zoned PDC and HC. Comp. Plan Rec: Mixed Use. Tax Map 48-4 ((1)) 58. PROVIDENCE DISTRICT. PUBLIC HEARING.

Elizabeth Baker, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated April 20, 2004. Commissioner Hart disclosed that his law firm, Hart and Horan, PC, had one pending case with Ms. Baker's law firm, but it would not affect his ability to participate in this case.

Cathy Belgin, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the applications due to staff concerns about the extent of the proposed building mass and footprint.

Ms. Baker stated that the applicant was proposing to change the use of an approved office development at Hunters Branch, a mixed-use project adjacent to the Vienna Metro Station, with residential development consisting of a four-story building on top of two levels of structured underground parking. Acknowledging that staff had concerns about the design of the development, she compared the proposed four-story structure with no visible parking to the approved ten-story office building with a six-level parking garage with lights on top of it. Addressing another staff concern about usable open space, Ms. Baker pointed out that seven acres would be left in permanent open space associated with the adjacent Hunters Branch stream valley and the remaining three acres would have 35 percent usable open space. She noted that the development was environmentally sensitive and that proffers addressed transportation demand management and stormwater management. In addition, she said that residential development would generate less traffic than office development.

Ms. Baker responded to a question from Vice Chairman Byers about the elevation of the building and described the proposed plantings, landscaping, sidewalks, and courtyards.

In response to a question from Commissioner Lusk, Ms. Baker explained that the owner of the property, Northwestern Mutual Life Insurance Company, had pursued office development for approximately three years without success.

Ms. Baker responded to a question from Commissioner Hart about the size and use of the pool shown on the site plan.

Vice Chairman Byers called for speakers from the audience.

Alexandra Simpson, President of the Hunters Branch Townhome Homeowners Association (HOA), also speaking on behalf of the Hunters Branch Condominium HOA, expressed support for these applications, noting that both HOAs were satisfied with the buffer, the streetscape, and the height of the residential building.

John Austin, address unknown, representing the Hunters Branch Partners, LLC, spoke in favor of these applications. He explained that his company owned the two office buildings adjacent to the proposed development. He requested that additional screening around the pool area and the back of the parking garage be provided.

There were no further speakers; therefore, Vice Chairman Byers called for a rebuttal statement from Ms. Baker, who declined.

Ms. Belgin disclosed that staff had not fully reviewed the latest proffers and said that if the applicant wanted to pursue underground stormwater detention, it would require a waiver and staff would recommend that a contribution towards maintenance be included.

There were no further comments or questions from the Commission and staff had no further closing remarks; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Lawrence for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON PCA/FDPA 80-P-039-08 TO A DATE CERTAIN OF JULY 14, 2004, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioners Hall and Lusk seconded the motion which carried unanimously with Commissioners Murphy and Harsel absent from the meeting.

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ADJOURNMENT

June 24, 2004

The meeting was adjourned at 12:10 a.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Meeting taken by: Linda B. Rodeffer

Minutes by: Kara A. DeArrastia

Approved on:

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission